

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

SYMETRA LIFE INSURANCE COMPANY,	§	
<i>et al.</i> ,	§	
	§	
Plaintiffs,	§	
	§	
NATIONAL ASSOCIATION OF	§	
SETTLEMENT PURCHASERS,	§	
	§	
Intervenor,	§	
	§	
VS.	§	CIVIL ACTION NO. H-05-3167
	§	
RAPID SETTLEMENTS, LTD.,	§	
	§	
Defendant.	§	

ORDER

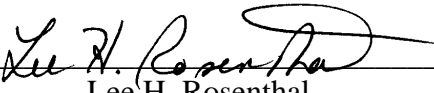
At the June 6, 2012 hearing, this court identified defects in the plaintiff's motion for summary judgment on damages and for fees. (*See* Docket Entry No. 340, at 4–7). This court therefore set a schedule for the plaintiff to file a 25-page reply brief and supplemental exhibits, addressing those defects, and for the defendant to file a 15-page surreply brief and supplemental exhibits, (*see id.*, at 43–46). The court set July 27, 2012 as the plaintiff's submission deadline, and August 17 as the defendant's submission deadline. The court also set a motion hearing for August 20 at 5:00 p.m. (Docket Entry No. 328).

On 4:14 p.m. on August 17, the defendant filed this motion to extend the surreply deadline to August 27 and to extend the 15-page limit to 25 pages. At the June 6 hearing, the court set the schedule with input from the parties, and explained why the defendant was limited to filing a 15-page surreply brief. (*See* Docket Entry No. 340, at 43–46). Moreover, what the plaintiff has titled

its “amended motion for summary judgment” is not a brand-new motion for summary judgment but rather a motion that addresses the defects identified by the court at the hearing. There is nothing improper about the filing. And the defendant was given, and still has, the opportunity to respond accordingly and submit any supplemental exhibits.

The defendant’s motion for an extension of time and for leave to file a 25-page brief, (Docket Entry No. 342), is granted in part and denied in part. For the reasons previously stated, the defendant’s brief is limited to 15 pages. The defendant may file its brief and supplemental exhibits by 3:00 p.m. on Sunday, August 19, to CM/ECF. A hard copy of the brief and supplemental exhibits should be delivered to the court by 10:00 a.m. on Monday, August 20. The motion hearing will continue as scheduled for 5:00 p.m. on August 20.

SIGNED on August 17, 2012, at Houston, Texas.



Lee H. Rosenthal
United States District Judge